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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

**IN RE TRANSPACIFIC AIR  
PASSENGER ANTITRUST  
LITIGATION**

) Case No. CV 07-5634 CRB

) MDL No. 1913

**This Document Relates To:**  
**ALL ACTIONS**

) **PLAINTIFF BRENDEN G. MALOOF'S**  
) **NOTICE OF SUPPORT FOR MOTION FOR**  
) **APPOINTMENT OF INTERIM LEAD**  
) **COUNSEL FILED BY PLAINTIFFS DONALD**  
) **WORTMAN, WILLIAM ADAMS AND**  
) **MARGARET GARCIA**

1 On November 15, 2007, Plaintiff Brenden G. Maloof filed a class action complaint  
2 alleging price fixing against Air New Zealand, All Nippon Airways, Cathay Pacific Airways,  
3 China Airlines, EVA Airways, Japan Airlines International, Malaysia Airlines, Qantas Airways,  
4 Singapore Airlines, Thai Airways and United Airlines, by and through his counsel Murray &  
5 Howard, LLP (“the M&H Firm”). *Maloof v. Air New Zealand, et al.*, Case No. 07-CV-5811  
6 (CRB) (“*Maloof*”).

7 *Maloof* was the **second** case filed in what has become *In Re Transpacific Passenger Air*  
8 *Transportation Antitrust Litigation*, MDL No. 1913, which was transferred to the Northern  
9 District of California pursuant to a JPML Transfer Order on February 19, 2008. The first filed  
10 case is *Wortman, et al. v. Air New Zealand et al.*, Case No. 3:07-cv-05634-CRB, filed on  
11 November 6, 2007. (“*Wortman*”). Pursuant to Rule 23(g) of the Federal Rules of Civil  
12 Procedure, *Wortman*’s counsel, Cotchett, Pitre & McCarthy (“the CP&M Firm”) seeks  
13 appointment to serve as Interim Lead Class Counsel for the putative plaintiff class in the  
14 consolidated *In Re Transpacific Passenger Air Transportation Antitrust Litigation*. We support  
15 their appointment as Interim Lead Class Counsel.

16 The CP&M Firm has proposed an effective leadership structure for this complex case that  
17 will include a single Interim Lead Class Counsel with an executive committee composed of firms  
18 representing other plaintiffs. Due to the number of firms involved in the case and the nature of  
19 the Defendants’ business and alleged illegal activity, the CP&M Firm’s proposed committee  
20 structure will best serve the interest of the putative class in achieving thorough and efficient  
21 investigation and litigation of this matter. For example, individual firms on an executive  
22 committee would be able to devote their focus to investigation of specific air routes and airlines  
23 and contribute the information they uncover to Interim Lead Class Counsel and other members  
24 of the executive committee. With the Interim Lead Class Counsel efficiently coordinating the  
25 actions of the executive committee and making final decisions as to how to prosecute the action,  
26 the best interests of the class would be protected.

1 In its considerable leadership experience in large antitrust cases similar to this action the  
 2 CP&M Firm has set a precedent for open communication and accessibility. The CP&M Firm  
 3 presently serves as Co-Lead Counsel in *In re International Air Transportation Surcharge*  
 4 *Antitrust Litigation* (N.D. Cal. Case No. 06-1793 (CRB), MDL No. 1793), a similar class action  
 5 case involving price fixing of air passenger surcharges, which was filed back in June of 2006.  
 6 They showed immense skill and efficiency in bringing that case to the reported more than \$200  
 7 million settlement that substantially benefits the class. (The M&H Firm is also one of the firms  
 8 assisting the Co-Leads in that case.) In *In re International Air Transportation Surcharge*  
 9 *Antitrust Litigation*, the CP&M Firm has remained accessible and provided updates and  
 10 assignments where appropriate. The other Co-Lead firm in that case is the Cohen Milstein firm,  
 11 which is also a very capable firm in its own right. That firm is also a candidate for Co-Lead  
 12 Counsel in this matter. The Cohen Milstein firm, however, only recently opened a San Francisco  
 13 office in 2007 and is considered to be an East Coast-based firm. The Cohen Milstein firm would  
 14 face more difficulties in acting as sole Lead Counsel and coordinating the case with the other  
 15 West Coast firms in this case.

16 A further factor here is the specific knowledge and ability brought to bear by the CP&M  
 17 Firm. In addition to bringing the first filed action in the matter, MDL No. 1793 has given the  
 18 CP&M Firm extensive knowledge of the air passenger industry, terminology and of the interplay  
 19 between fuel surcharges and passenger ticket prices. These skills and knowledge will prove to  
 20 be very helpful to the investigation and identification of key factual and legal issues in this case.

21 Appointment of the CP&M Firm will ensure that the putative plaintiff class will be  
 22 represented by a law firm with a broad knowledge and understanding of prosecuting complex  
 23 antitrust class actions in federal court, particularly in the Northern District of California. They  
 24 have extensive experience serving as lead or co-lead counsel in large class action cases in the  
 25 Northern District of California including *Kopies, Inc., et al. v. Eastman Kodak Co.* (N.D. Cal.  
 26 Case no. 94-524 (SBA)); *In re Citric Acid Antitrust Litigation* (N.D. Cal. Master Case No. 95-  
 27 2963 (FMS), MDL. No. 1092); *In re Sodium Gluconate Antitrust Litigation* (N.D. Cal. Case Nos.

97-4142 and 98-70 (CW), MDL No. 1226); *In re Methionine Antitrust Litigation* (N.D. Cal. Master Case No 00-1311 (CRB), MDL No. 1311); *In re International Air Transportation Surcharge Antitrust Litigation* (N.D. Cal. Case No. 06-1793 (CRB), MDL No. 1793); *In re SRAM Antitrust Litigation* (N.D. Cal. Case No. 06-6511 (CW), MDL No. 1819); *In re Flash Memory Antitrust Litigation* (N.D. Cal. Case No. 07-0086 (SBA), MDL No. 0086).

The resources and vast experience of the CP&M Firm are virtually unparalleled among the plaintiff firms involved in this case. For all of the foregoing reasons, Plaintiff Maloof respectfully requests that the Court appoint the CP&M Firm as Interim Lead Class Counsel in this litigation on behalf of plaintiffs.

Dated: March 7, 2008

MURRAY & HOWARD, LLP

By: /s/ Derek G. Howard  
DEREK G. HOWARD

*Attorneys for Brenden G. Maloof and the Class*

**CERTIFICATE OF SERVICE:**

I, Amanda L. Arnall, declare as follows:

I am employed in Alameda County, which is where service of the document(s), referred to below occurred. I am over the age of 18 and not a party to the within action. My business address is Murray & Howard, LLP, 436 14<sup>th</sup> Street, Suite 1413, Oakland, California 94612. I am readily familiar with Murray & Howard's practices for the service of documents. On this date, I served or caused to be served a true copy of the following document(s) in the manner listed below:

**PLAINTIFF BRENDEN G. MALOOF'S NOTICE OF SUPPORT FOR MOTION FOR APPOINTMENT OF INTERIM LEAD COUNSEL FILED BY PLAINTIFFS DONALD WORTMAN, WILLIAM ADAMS AND MARGARET GARCIA**

**BY FACSIMILE:** I caused the aforementioned document(s) to be transmitted to the telephone number(s) of the addressee(s) specified below;

**BY FEDERAL EXPRESS:** I caused the sealed envelope containing the aforementioned document(s) to be delivered via overnight courier service to the addressee(s) specified below;

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**X ELECTRONIC FILING SYSTEM:** on all interested parties registered for e-filing. (*See attached service list*).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Oakland, California on March 7, 2008.

/s/ Amanda L. Arnall

Amanda L. Arnall

*In re: Transpacific Passenger Air Transportation Antitrust Litigation*

**Case No. 07-cv-05634**

**SERVICE LIST**

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